

REMARKS

In response to the Office Action mailed March 4, 2003, claims 9-18 and 21 have been cancelled without prejudice or disclaimer, and claims 1, 7, 19-20, and 23-26 have been amended. Therefore, claims 1-8, 19-20, and 22-26 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

A. **INFORMATION DISCLOSURE STATEMENT (I.D.S.)**

Applicants are submitting herewith an Information Disclosure Statement ("IDS"), and wish to note that they became aware of the references cited in this IDS through a number of sources. For example, a number of references were brought to Applicants' attention through re-examination proceedings involving one or more patents issued to Microstrategy, Inc., the assignee of the above-referenced application. In addition, many references became known to Applicants via their citation by Examiners in co-pending applications, which someone could argue are therefore material to the above-referenced application.

Applicants recognize that this is voluminous and apologize for any burden this places on the U.S. Patent Office. However, these references have been cited in an abundance of caution to err on the safe side in connection with complying with the duty of disclosure.

B. SPECIFICATION

In response to the Examiner's objections to the Specification (see Office Action, pg. 2, ¶'s 1-2), Applicants have amended the Specification to include related application data, and to correct minor typographical errors. In particular:

- (1) The Specification has been amended to recite that reference characters **182, 1821, and 1822** are illustrated in FIG. 3c.
- (2) The Specification has been amended to replace the incorrect "928" reference character with the proper "93" reference character.
- (3) The Specification has been amended to add reference to item 140, which is illustrated in FIG. 1a.
- (4) The Specification has been amended to add reference to items 230 and 240, both of which are illustrated in FIG. 1b.
- (5) The Specification has been amended to add reference to item 183.
- (6) The Specification has been amended to add reference to item 949.

Applicants submit that the changes to the Specification described above do not constitute the addition of new matter, as support for the instant amendments is provided throughout the as-filed Specification and drawing figures. Accordingly, Applicants respectfully request that the Examiner approve the changes to the Specification.

C. **DRAWINGS**

The three (3) attached sheets of drawings in **APPENDIX A** reflect the following changes to FIGS. 3A, 3B, & 6B:

- (1) FIG. 3a has been amended to add reference character "100," support for which may be found in the Specification at, for example, page 40, line 15.
- (2) Item 633 has been changed to "1633" in FIG. 3b.
- (3) FIG. 6b has been amended to change duplicate reference character "924" to reference character "923."

Applicants submit that the changes to the drawing figures described above do not constitute the addition of new matter, as support for the instant amendments is provided throughout the as-filed Specification. Accordingly, Applicants respectfully request that the Examiner approve the changes to the drawing figures.

D. **NON-STATUTORY DOUBLE-PATENTING REJECTION**

Claims 1, 9, and 19 stand rejected under the judicially created doctrine of obviousness-type double patenting, as allegedly being unpatentable over claims 1, 6, 8-14, 31, 33, and 36-42 of U.S. Patent No. 6,263,051.

In particular, the Examiner recites:

"Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite obvious interactive voice broadcast modifications of the interactive voice service limitations in the patented claims." *See Office Action, pgs. 4-5, ¶'s 5-6.*

Applicants disagree. However, in the interest of expediting prosecution, Applicants may consider filing a terminal disclaimer should the Examiner indicate allowable subject matter.

E. **REJECTIONS UNDER 35 U.S.C. §103**

Claims 1-26 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,269,336 to Ladd *et al.* ("Ladd") in view of U.S. Patent No. 5,787,151 to Nakatsu *et al.* ("Nakatsu"). Applicants submit that the cancellation of claims 9-18 and 21 (without prejudice or disclaimer) renders this rejection moot with regard to these claims.

With regard to pending claims 1-8, 19-20, and 22-26, Applicants disagree with the rejections set forth by the Examiner. However, in the interest of expediting prosecution, the claims have been amended to clarify various points of novelty over Ladd and Nakatsu.

In particular, independent claims 1 and 19 have been amended to include the functionality of initiating an interactive voice broadcast with a user. During such a system-initiated, interactive voice broadcast, information that has been identified as being of interest to a user (based in part on preferences provided by the user during a subscription process) may be presented to the user from a control document (*e.g.*, a markup language document). Neither Ladd nor Nakatsu, either alone or in combination, appear to disclose or suggest such features.

Ladd appears to be directed toward a markup language to provide interactive services. The system and method taught by Ladd, however, appears to require a user to initiate a communication session by placing a call into the electronic network. *See* Ladd, FIG. 2 (150,152), and col. 5, ll. 20+. Ladd does not appear to disclose the step or capability of initiating

an outbound communication to an individual.

While Nakatsu does appear to teach an outbound communication to a user (e.g., col. 2, ll. 50+), the communication is to deliver a pre-recorded voice card message (e.g., a birthday greeting) and not information that has been identified as being of interest to a user based in part on preferences provided by the user during a subscription process.

For at least the reasons set forth above, Applicants submit that none of the references cited by the Examiner, either alone or in combination, teach all of the limitations of independent claims 1 and 19. Accordingly, Applicants further submit that dependent claims 2-8, 20, and 22-26 are allowable because they depend from allowable independent claims, as well as for the further limitations they contain.

CONCLUSION

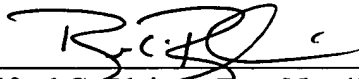
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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